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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,875	02/12/2004	Shin Tomimoto	1529.69696	6710

24978 7590 06/22/2005

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CHICAGO, IL 60606

EXAMINER

KAPADIA, VARSHA A

ART UNIT	PAPER NUMBER
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2651

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/777,875

Applicant(s)

TOMIMOTO, SHIN

Examiner

Varsha A. Kapadia

Art Unit

2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7,8,10 and 11 is/are rejected.
- 7) ☒ Claim(s) 3,6 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/12/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2651

### **Priority Papers**

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### **Information Disclosure**

The information disclosure statement (IDS) submitted on Feb. 12, 2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### **Drawings**

Figures 6-12 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **Rejection Under 35 U.S.C. 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2651

Claims 1-2, 4-5, 7-8, and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Zook et al. (5,844,920).

With regards to claim 1, Zook et al discloses a magnetic disk control apparatus (see figs 2-4E and disclosure thereof) comprising: a first synchronization field forming section that forms first synchronization field in the first split sector; and a second synchronization field forming section that forms the synchronization field shorter than that of the first split sector in the second split sector (see col.8 lines 35-49, col.16 lines 25-30).

With regards to claim 2, Zook et al discloses that the a first synchronization field forming section forms a phase synchronization field capable of phase sync and phase frequency synchronization field capable of phase frequency sync as the synchronization field, and the second synchronization field forming section forms a phase synchronization field capable of phase synchronization as the synchronization field (see col.13 lines 40-61 and the paragraph bridging cols. 15-16).

With regards to claims 10-11, the limitations recited in claims 10-11 are similar to that of limitations in claims 1-2 and therefore the rejection applied to claims 1-2 respectively above in this office action is also applied to claims 10-11, respectively for the same reasons of anticipation.

With regards to claims 4-5 and 7-8, the magnetic disk control method/instruction in claims 4-5 and 7-8 corresponds to the apparatus claims 1-2, therefore, the rejection applied to the apparatus claims 1-2 above in this office action is also applied to claims 4-5 and 7-8 for the same reasons.

Art Unit: 2651

### **Prior Art Cited**

Reference to Malone, Sr. (2002/0118476 A1) cited as of interest.

Reference to Bliss et al (6,009,549) cited as of interest.

### **Allowable Subject Matter**

Claims 3,6, and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 3, 6 and 9 differs from the prior art of record by specifically reciting that the magnetic disk control apparatus/method further comprising a phase frequency information storage section that reads and stores, when data recorded on the magnetic disk is read, phase frequency information from the phase frequency synchronization field formed by the first synchronization field forming section and uses the phase frequency information as phase frequency synchronization information for reading data from the second split sector.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Varsha A. Kapadia whose telephone number is (571)272-7557. The examiner can normally be reached on Mon Tue and Thurs. from 6:30 AM to 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571 272 7843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.




Art Unit: 2651

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VK



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